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1714

PATENT APPLICATION
Mo-6035
LeA 33,762

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------|---|------------------------|
| APPLICATION OF |) | |
| THOMAS ECKEL ET AL |) | GROUP NO.: 1714 |
| SERIAL NUMBER: 09/720,280 |) | |
| FILED: DECEMBER 21, 2000 |) | EXAMINER: P A. SZEKELY |
| TITLE: FLAME-RESISTANT |) | |
| THERMOPLASTIC |) | RESPONSE TO |
| POLYCARBONATE MOLDING |) | EXAMINER'S ANSWER |
| COMPOSITIONS CONTAINING |) | |
| PHOSPHAZENES |) | |

REPLY BRIEF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is being submitted, in triplicate, to rebut certain arguments raised by the Examiner for the first time in the Examiner's Answer dated January 21, 2004.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 3/8/04

Date

James R. Franks - Reg. No. 42,552

Name of applicant, assignee or Registered Representative

James R. Franks

Signature

March 8, 2004

Date

REMARKS

Claims presently pending and appealed in the case are 2-15, 18, 20 and 22-24.

For the first time, on page 4 of the Examiner's Answer, the Examiner argues that Appellants' examples show a "26.67% reduction in the phosphazene concentration" and since the flame retardant properties of the compositions are not accordingly reduced, the criticality of the presence of finely divided filler in the compositions is evidenced. Appellants respectfully disagree. It is respectfully submitted that the Examiner has grossly mischaracterized the concentration of phosphazene in the compositions of Appellants' examples. In the examples shown in the table on page 27 of Appellants' specification, the concentration of phosphazene (Component D) decreases by only 3.6 percent by weight, based on total composition weight (and not by an amount of "26.67%" as asserted by the Examiner). Please see the following table.

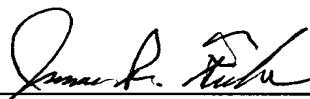
| Component | 1 (parts by weight) | 1 (% by weight) | 2 (parts by weight) | 2 (% by weight) | 3 (parts by weight) | 3 (% by weight) |
|-----------|---------------------------|-----------------------|---------------------------|-----------------------|---------------------------|-----------------------|
| A | 66.7 | 65.0 | 66.7 | 65.6 | 66.7 | 67.0 |
| B | 7.3 | 7.1 | 7.3 | 7.2 | 7.3 | 7.3 |
| C | 9.4 | 9.2 | 9.4 | 9.3 | 9.4 | 9.4 |
| D | 15.0 | 14.6 | 13.0 | 12.8 | 11.0 | 11.0 |
| E | -- | -- | 1.0 | 1.0 | 1.0 | 1.0 |
| F | 4.2 | 4.1 | 4.2 | 4.1 | 4.2 | 4.2 |
| Total | 102.6 | 100 | 101.6 | 100 | 99.6 | 100 |

The decrease in phosphazene concentration between: Examples 1 and 2 is only 1.8 percent by weight, based on total composition weight (14.6 wt.% - 12.8 wt.%); and Examples 1 and 3 is only 3.6 percent by weight, based on total composition weight (14.6 wt.% - 11.0 wt.%).

Appellants contend that a decrease in phosphazene concentration of only 3.6 percent by weight, based on total composition weight, in their examples is so minimal as to render the Examiner's assertion moot, relative thereto. Appellants further contend that the examples of their specification show that the flame resistance of a phosphazene containing composition is not measurably improved by the inclusion of finely divided inorganic powders therein (as argued previously on page 7 of their Appeal Brief). It has been previously argued by the Examiner on page 2 of the Office Action of 20 November 2002 that Bödiger et al (U.S. 5,849,827) discloses that finely divided filler improves the flame retardance of all phosphorous compounds, and that such disclosure would lead one of ordinary skill in the art to use the extremely finely divided inorganic powder of Bödiger et al in the compositions of Maruyama et al (EP 0 728 811 A2), for the purpose of improving flame retardance. Appellants respectfully reiterate their disagreement with the Examiner's position, in particular and in light of the lack of improved flame retardancy associated with the presence of finely divided inorganic power in phosphazene containing compositions, as evidenced and demonstrated by the examples of their specification (and as discussed previously herein).

In light of the reasons discussed herein and those discussed at length in their Appeal Brief, Appellants maintain their position that the Examiner's rejections are improper. Appellants respectfully request that these rejections be reversed, and that Claims 2-15, 18, 20 and 22-24 be allowed.

Respectfully submitted,

By 
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